

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32946 of 2016

And

W.M.P.Nos.28486 and 28527 of 2016

Mohan Petitioner
Vs.

- 1 The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited, Nagapattinam Region,
Vedaranyam Branch,
Nagapattinam District.
- 2 The Branch Manager,
Tamil Nadu State Transport Corporation,
Vedaranyam Branch,
Nagapattinam District. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in ThaAPoka/Kumba/E3/DR/05-2/2016 dated 26.05.2016 on the file of the 1st respondent herein quash the same and direct the respondents to consider the representation of the petitioner dated 14.07.2016 regarding continue to working as senior grade driver in the 2nd respondent branch.

For Petitioner : Mr.R.Murugabharathi

For Respondents : Mr.P.Kannan Kumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Certiorarified Mandamus calling for the records relating to the proceedings in ThaAPoka/Kumba/E3/DR/05-2/2016 dated 26.05.2016 on the file of the first respondent herein quash the same and direct the respondents to consider the representation of the petitioner dated 14.07.2016 regarding continue to working as senior grade driver in the second respondent branch.

3.The petitioner is working as Senior Grade Driver in the second respondent Office. He was originally, temporarily appointed as Driver in the year, 2007 and his service was regularized on 01.07.2008. The petitioner is working in the second respondent office for more than eight years and on 10.01.2016, while he was driving the bus bearing no.T.N.49-1720, Route No.422B at about 08.55 p.m. from Pattukottai to Vedaranyam, one of the passengers fell down from the bus and died, since he was under the influence of alcohol. In this regard, a case in Crime No.19 of 2016 was also registered against the petitioner for the offence under Section 304 (A) of I.P.C.

4.The petitioner submitted his explanation to the second respondent, but the second respondent without considering the same, has passed the order of suspension on 20.01.2016. Thereafter, after conducting a detailed enquiry, the second respondent revoked the order of suspension vide order dated 11.02.2016. Hence, the petitioner is at present working as Senior Grade Driver in the second respondent Office. Thereafter, vide order dated 26.05.2016, the petitioner was transferred from Vedaranyam Branch to Nagapattinam on the ground of administrative reasons. Hence, the petitioner made a representation dated 14.07.2016, requesting to revoke the order of transfer and since it has not been considered, came forward to file this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court direct the respondents to consider the representation of the petitioner dated 14.07.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

pri

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited, Nagapattinam Region,
Vedaranyam Branch,
Nagapattinam District.
 - 2 The Branch Manager,
Tamil Nadu State Transport Corporation,
Vedaranyam Branch,
Nagapattinam District.
- +1CC to M/S.R.MURUGABHARATHI, Advocate SR.NO.53912
- +1CC to M/S.P.KANNAN KUMAR, Advocate SR.NO.53623

W.P.No.32946 of 2016

And
W.M.P.Nos.28486 and
28527 of 2016

SM[CO]
MK:18/10/2016

WEB COPY